

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Luke Petrinovic	Team: Squad #13	CCRB Case #: 201509552	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 11/08/2015 1:50 PM	Location of Incident: § 87(2)(b)	Precinct: 75	18 Mo. SOL 5/8/2017	EO SOL 5/8/2017	
Date/Time CV Reported Tue, 11/10/2015 11:35 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 11/10/2015 11:35 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Jared Dietzel	30858	946469	075 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Sashanna Wynter	01115	946715	075 PCT
2. POF Judy Beltre	13898	950066	075 PCT
3. POM Sean Keegan	12338	954994	PBBN
4. POM Irwin Luperon	27763	941061	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Jared Dietzel	Force: PO Jared Dietzel used physical force against § 87(2)(b)	§ 87(2)(b)
B.POM Jared Dietzel	Force: PO Jared Dietzel used a chokehold against § 87(2)(b)	§ 87(2)(b)
C.POM Jared Dietzel	Force: PO Jared Dietzel restricted § 87(2)(b)'s breathing.	§ 87(2)(b)

Case Summary

On November 10, 2015, § 87(2)(b) filed this complaint over the phone with the CCRB on behalf of § 87(2)(b) who is a resident § 87(2)(b) where § 87(2)(b) works.

On November 8, 2015, at approximately 1:50 p.m., § 87(2)(b), in Brooklyn, called 911 to report an emotionally disturbed person, § 87(2)(b) who was acting violently. He was breaking furniture in his apartment, striking the staff, and throwing himself against the walls. § 87(2)(b) is autistic, and is unable to communicate verbally. § 87(2)(b)

SGT Sashanna Wynter, PO Irwin Luperon, PO Jared Dietzel, PO Judy Beltre, and PO Sean Keegan all from the 75th Precinct, quickly responded to the location. They went up to § 87(2)(b)'s room on the second floor along with three staff members from the facility: § 87(2)(b) and § 87(2)(b). § 87(2)(b) was lying on his bed.

The officers approached him with the intention of taking him to the hospital for a psychiatric evaluation. § 87(2)(b) immediately began to resist violently, and attempted to strike the officers. The officers grabbed § 87(2)(b) by the arms and legs and attempted to get him in handcuffs. While the officers attempted to subdue him, § 87(2)(b) bit PO Keegan on his hand, drawing blood. After that, PO Dietzel allegedly punched § 87(2)(b) in the face multiple times (**Allegation A**). The officers continued to struggle with § 87(2)(b) and at one point PO Dietzel allegedly removed his asp and held it against the front of § 87(2)(b)'s neck, choking him (**Allegations B and C**). The officers were eventually able to get § 87(2)(b) in handcuffs, and ESU responded to the scene, placed § 87(2)(b) in a body bag, and removed him to an ambulance. He was taken to § 87(2)(b). § 87(2)(b) was released from the hospital after the evaluation and was not arrested. No acute medical concerns were noted.

Mediation, Civil and Criminal Histories

- Due to § 87(2)(b)'s mental state, this case was ineligible for mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- As of February 25, 2016, no Notice of Claim related to the incident has been filed with the NYC Comptroller's office. (Board Review 02).

Civilian and Officer CCRB Histories

- This is the first CCRB case involving § 87(2)(b) or § 87(2)(b). (Board Review 03).
- PO Dietzel has been the subject of four previous allegations of misconduct across § 87(2)(b) CCRB cases, not including this one, in his eight year tenure with the NYPD. There has been one allegation of excessive force against him. Three of the allegations were unsubstantiated, § 87(2)(b) (Board Review 04).

Potential Issues

- § 87(2)(b) is autistic, and he is unable to communicate verbally. Because of this, he was unable to provide a statement to the CCRB.

- § 87(2)(b), § 87(2)(g) [REDACTED]

Findings and Recommendations

Explanation of Subject Officer Identification

- § 87(2)(b) obtained PO Dietzel's name and badge number during the incident, and identified him as the officer who both punched and choked § 87(2)(b) and who briefly spoke to him after the struggle (Board Review 05). § 87(2)(b) likewise, stated that the same officer punched § 87(2)(b) used his baton, and spoke to § 87(2)(b) (Board Review 06). § 87(2)(g) [REDACTED]

Allegations not pleaded

- § 87(2)(g) [REDACTED]

Allegation A - Force: PO Jared Dietzel used physical force against § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) both stated that PO Dietzel repeatedly punched § 87(2)(b) in the face after he bit an officer. § 87(2)(g) [REDACTED]

PO Dietzel denied punching § 87(2)(b) in the face, but stated that he may have struck him during the struggle (Board Review 08). SGT Wynter, denied that any officer punched § 87(2)(b) (Board Review 09), and both PO Keegan (Board Review 10) and PO Beltre (Board Review 11) denied seeing any officer punch § 87(2)(b)

No physical injuries were noted in § 87(2)(b)'s medical records when he received a psychiatric evaluation at § 87(2)(b) (Board Review 12). In internal incident reports, the § 87(2)(b) noted that § 87(2)(b) suffered scratches on his wrists and arms, as well as abrasions on his neck and forehead (Board Review 13), which are documented in photographs taken by § 87(2)(b) employees the day after the incident (Board Review 14).

Under the provisions of Patrol Guide Procedure 203-11, officers are permitted to use only the minimum amount of force necessary to overcome resistance to effect an arrest or take an emotionally disturbed person into custody. (Board Review 15)

§ 87(2)(g) [REDACTED]

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

Allegation B – Force: PO Jared Dietzel used a chokehold against § 87(2)(b)

Allegation C – Force: PO Jared Dietzel restricted § 87(2)(b)'s breathing.

§ 87(2)(b) and § 87(2)(b) all testified that PO Dietzel removed his extendible baton and pressed it against § 87(2)(b)'s neck. § 87(2)(g) § 87(2)(b) said that PO Dietzel held the baton against the front of § 87(2)(b)'s neck after he had been handcuffed. § 87(2)(b) said the baton was held against the front of § 87(2)(b)'s neck before he was handcuffed, and § 87(2)(b) said that it was held against the back and side of his neck after he was handcuffed. Although PO Dietzel and several other officers confirmed that PO Dietzel's baton was out during the struggle, they all denied that he used it to choke § 87(2)(b).

Although § 87(2)(b)'s medical records from § 87(2)(b) do not note any injuries, documents from § 87(2)(b) note abrasions to § 87(2)(b)'s neck.

§ 87(2)(g)
[REDACTED]

Under the provision of Patrol Guide Procedure 203-11, chokeholds are expressly forbidden (Board Review 15).

§ 87(2)(g)
[REDACTED]

Squad:

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date